

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TIMOTHY CROWLEY,

Petitioner,

Case No. 10-C-1052

-vs-

MICHAEL MEISNER,¹

Respondent.

DECISION AND ORDER

The respondent moves to dismiss Timothy Crowley's habeas petition. Crowley was convicted of aggravated battery, battery by an inmate, and battery to a law enforcement officer in Racine County Circuit Court on November 23, 1998. The Wisconsin Court of Appeals affirmed his conviction on direct appeal. Crowley's petition became final for purposes of AEDPA's one-year limitations period on July 14, 2000. 28 U.S.C. § 2244(d)(1)(A). Crowley did not file the instant petition until November 24, 2010.

Crowley argues that he is entitled to equitable tolling of the limitations period because he is mentally ill and suffers from impairments to his hearing and his vision. Crowley must show that he pursued his rights diligently and that some extraordinary circumstance stood in his way and prevented timely filing. *Holland v. Florida*, — U.S. —, 130 S. Ct. 2549, 2562 (2010). After the reviewing the submissions in connection with the

¹ Michael Meisner replaced Gregory Grams as the warden of Columbia Correctional Institution. The Clerk of Court should amend the caption accordingly.

respondent's motion to dismiss, the Court finds that the record should be expanded pursuant to Rule 7(b) of the Rules Governing Section 2254 Cases. ("The materials that may be required include letters predating the filing of the petition, documents, exhibits, and answers under oath to written interrogatories propounded by the judge"). Crowley must answer these interrogatories under oath and provide supporting documentation when appropriate.

1. Between July of 2000 and November 24, 2010, what efforts did you make to pursue the claims that you are raising in the instant petition?

2. With respect to those efforts, how did your alleged disabilities or any other factor prevent you from filing this petition any earlier than you filed it?

Crowley's answers should be filed on or before **December 10, 2011**. The respondent will subsequently have **thirty (30) days** to admit or deny the correctness of Crowley's answers. Rule 7(c), Rules Governing Section 2254 Cases.

Dated at Milwaukee, Wisconsin, this 17th day of October, 2011.

SO ORDERED,



HON. RUDOLPH T. RANDA
U.S. District Judge